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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,512	04/09/2001	Richard L. Schwartz	SMIO.0100004	6721

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EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/829,512	Applicant(s) SCHWARTZ ET AL.	
	Examiner Thomas K Pham	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/11 2/4 & 5/19</u> | 6) <input type="checkbox"/> Other: _____ |

First Action on the Merits

1. Claims 1-30 of U.S. Application 09/829,512 filed on 04/09/2001 are presented for examination.

Quotations of U.S. Code Title 35

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Content of Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

6. The disclosure is objected to because of the following informalities: item (f) BRIEF SUMMARY OF THE INVENTION" is missing from the specification.

Appropriate correction is required.

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Claim Objections

7. Claims 5 and 12 are objected to because of the following informalities: the “;” (semicolon) after word “includes” should be a “:” (colon). Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. Claims 1-4, 6-11, 15-18, 20-26 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,933,778 (“Buhrmann”).

Regarding claims 1 and 15

Buhrmann teaches providing telecommunication services (col. 1 line 14-15, “to providing telecommunication services”), (which reads on claimed “a method facilitating mediated virtual communication”), comprising:

receiving, by a mediation system from a mediation subscriber communication device, a service selection (col. 8 lines 20-25, “the subscriber enters profile ... subscriber’s voice mail”);

determining, by the mediation system, a context (col. 8 lines 20-21) [profile requests] associated with the service selection (col. 8 lines 42-45, “After the subscriber enters ... subscriber profile database 118”); and

preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context (col. 8 lines 45-51, “The generated profile update ... and alert update data”).

Regarding claims 2 and 16

Buhrmann teaches transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device (col. 9 lines 19-21, “Upon completion of ...

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cellular communication network 102”).

Regarding claims 3 and 17

Buhrmann teaches receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions (col. 10 lines 18-27, “The subscriber would select ... the particular PIM implementation”); and facilitating, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment (col. 10 lines 27-32, “Upon confirmation of the request ... cellular communication network 102”).

Regarding claims 4, 18 and 26

Buhrmann teaches updating a mediated commitment data set to include the mediated service commitment (col. 10 lines 36-42, “upon receipt of the profile ... be directed to voice mail”).

Regarding claims 6, 20 and 28

Buhrmann teaches establishing a computer network connection between the mediation system and the service management system (col. 10 lines 59-65, “The SCP logic 120 ... and subscriber alert data”); and performing the mediated follow-through operation with the service management system via the computer network connection (col. 9 lines 59-62, “subscriber profile data ... by the subscriber in PIM 122”).

Regarding claims 7 and 21

Buhrmann teaches receiving, by the mediation system, confirmation information from the service management system after performing the mediated follow-through operation (col. 10 lines 27-32, “Upon confirmation of the request ... cellular communication network 102”).

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Regarding claims 8 and 22

Buhrman teaches updating a mediation subscriber profile to include said confirmation information (col. 10 lines 36-42, “upon receipt of the ... directed to voice mail”).

Regarding claims 9 and 23

Buhrmann teaches providing a confirmation including at least a portion of said confirmation information to the mediation subscriber (col. 10 lines 27-32, “Upon confirmation of the request ... cellular communication network 102”).

Regarding claims 10 and 24

Buhrmann teaches updating the mediation subscriber profile includes updating at least one data set associated with the mediation subscriber profile (col. 10 lines 36-42, “upon receipt of the ... directed to voice mail”).

Regarding claims 11 and 25

Buhrmann teaches a method for providing telecommunication services (col. 1 line 14-15, “to providing telecommunication services”), (which reads on claimed “a method facilitating mediated virtual communication”), comprising:

receiving, by a mediation system from a mediation subscriber communication device, a service selection (col. 8 lines 20-25, “the subscriber enters profile ... subscriber’s voice mail”);

determining, by the mediation system, a context (col. 8 lines 20-21) [profile requests] associated with the service selection (col. 8 lines 42-45, “After the subscriber enters ... subscriber profile database 118”); and

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preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context (col. 8 lines 45-51, “The generated profile update ... and alert update data”);

transmitting the plurality of contextual arrangement options for reception by the mediation subscriber communication device (col. 9 lines 19-21, “Upon completion of ... cellular communication network 102”);

receiving, by the mediation system from the mediation subscriber communication device, a selected one of the contextual arrangement actions (col. 10 lines 18-27, “The subscriber would select ... the particular PIM implementation”);

facilitating, by the mediation system and with a service management system, a mediated follow-through operation based at least partially on the selected one of the contextual arrangement actions for generating a mediated service commitment (col. 10 lines 27-32, “Upon confirmation of the request ... cellular communication network 102”); and

updating a mediated commitment data set to include the mediated service commitment (col. 10 lines 36-42, “upon receipt of the profile ... be directed to voice mail”).

Regarding claim 29

Buhrmann teaches a system for providing telecommunication services (col. 1 line 14-15, “to providing telecommunication services”), (which reads on claimed “a system for facilitating mediated virtual communication”), comprising:

a mediation system connected to a data packet network and to a voice network (col. 3 lines 58-62, “Such transmission of profile ... wireless communication links”), the mediation system being capable of:

receiving, by a mediation system from a mediation subscriber communication device, a service selection (col. 8 lines 20-25, “the subscriber enters profile ... subscriber’s voice mail”);

determining, by the mediation system, a context (col. 8 lines 20-21) [profile requests] associated with the service selection (col. 8 lines 42-45, “After the subscriber enters ... subscriber profile database 118”); and

preparing, by the mediation system, a plurality of contextual arrangement options in response to determining the context (col. 8 lines 45-51, “The generated profile update ... and alert update data”).

Claim Rejections - 35 USC § 103

9. Claims 5, 12-14, 19, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann.

Regarding claims 5, 19 and 27

Buhrmann does not specifically teach determining a plurality of service providers; transmitting the plurality of service providers for reception by the mediation subscriber communication device; and receiving, from the mediation subscriber communication device, a selected one of the plurality of service providers. However, Buhrmann teaches providing a call completion service (col. 8 lines 21-31, “Entry 504 is a call ... to subscriber’s voice mail”) and providing an alert requesting service (col. 8 lines 31-34, “Entry 508 is an alert ... to the mobile station 110”) for the purpose of offering many different types of telecommunication services to the customers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include plurality of service providers to select from a variety of services in which

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only one provider couldn't provide to satisfy all customers.

Regarding claim 12

Buhrmann teaches establishing a computer network connection between the mediation system and the service management system (col. 10 lines 59-65, "The SCP logic 120 ... and subscriber alert data"); and performing the mediated follow-through operation with the service management system via the computer network connection (col. 9 lines 59-62, "subscriber profile data ... by the subscriber in PIM 122"). Buhrmann does not specifically teach determining a plurality of service providers; transmitting the plurality of service providers for reception by the mediation subscriber communication device; receiving, from the mediation subscriber communication device, a selected one of the plurality of service providers. However, Buhrmann teaches providing a call completion service (col. 8 lines 21-31, "Entry 504 is a call ... to subscriber's voice mail") and providing an alert requesting service (col. 8 lines 31-34, "Entry 508 is an alert ... to the mobile station 110") for the purpose of offering many different types of telecommunication services to the customers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include plurality of service providers to select from a variety of services in which only one provider couldn't provide to satisfy all customers.

Regarding claim 13

Buhrmann teaches receiving, by the mediation system, confirmation information from the service management system after performing the mediated follow-through operation (col. 10 lines 27-32, "Upon confirmation of the request ... cellular communication network 102"); updating a mediation subscriber profile to include said confirmation information (col. 10 lines

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36-42, “upon receipt of the ... directed to voice mail”); and providing a confirmation including at least a portion of said confirmation information to the mediation subscriber (col. 10 lines 27-32, “Upon confirmation of the request ... cellular communication network 102”).

Regarding claim 14

Buhrmann teaches updating the mediation subscriber profile includes updating at least one data set associated with the mediation subscriber profile (col. 10 lines 36-42, “upon receipt of the ... directed to voice mail”).

Regarding claim 30

Buhrmann does not specifically teaches the mediation system includes a data packet client and a computer-telephone interface client; the data packet network includes a data packet server; and the voice network includes a computer-telephone interface client sever and an interactive voice response system connected to the computer-telephone interface. However, Buhrmann teaches the telecommunication system and the communication device is a wireless cellular communication network or a landline communication network or a paging system (col. 4 lines 28-38, “the telecommunication system is ... from a paging system”) for which includes interfaces, data packet clients and servers as well known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 or the new number (571) 272-3689 beginning around mid. October 2004, Monday - Friday from 8:00 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179 (or 571 272-3687 starting around mid. Oct. 2004).

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

September 13, 2004


Anthony Knight
Supervisory Patent Examiner
Group 3600